

**METHODS OF ADMINISTRATION  
IMPLEMENTATION OF CIVIL RIGHTS AND STATE OF COMPLIANCE  
TEXAS DEPARTMENT OF HEALTH**

The Texas Department of Health identified by signature on this document (hereafter referred to as "the agency") will administer all programs and will conduct business, either directly, indirectly, or through contractual or other arrangements, in accordance with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 706), hereafter referred to as Section 504, and the regulations issued thereunder by the U. S. Department of Health and Human Services (45 C.F.R. Parts 80 and 84), and the agency's Statement of Compliance relating thereto. The methods the agency will use to accomplish this will include, but not necessarily be limited to, the following:

**I. Documentation of the Agency as a Designated Agency for Receipt of Federal Funds**

The agency will, by signature of this document, attest that it is a designated agency to receive federal funds for the administration of human services programs in the state of Texas.

**II. Assignment of Title VI and Section 504 Responsibility**

**A. *Director for Civil Rights/Section 504 Coordinator***

The agency shall appoint a member or members of its management team to serve in the capacity of Director of Civil Rights and Section 504 Coordinator for the agency.

The person or persons serving in the capacity of Director of Civil Rights shall be given full authority and necessary staffing for the implementation of these Methods of Administration. The name and credentials of the person or persons serving in the capacity of Director of Civil Rights shall be submitted to the Office for Civil Rights (OCR), U. S. Department of Health and Human Services (USHHS).

To the extent required by federal law and/or regulation, the person or persons serving in the capacity of Director of Civil Rights/Section 504 Coordinator shall be responsible for the following duties:

- a. Monitoring the agency's Title VI and Section 504 activity, identifying areas for corrective action, and initiating steps to implement such action.
- b. Processing complaints of discrimination in the delivery of services through programs funded by USHHS, as well as employment discrimination complaints as described in Section VII of this agreement.
- c. Processing complaints of discrimination in which the complainant alleges that a program funded by USDHHS has engaged in discrimination

- through the actions of a contractor, licensee, or other entity with which the program in question has made such arrangements.
- d. Disseminating information on Title VI and Section 504 provisions to agency staff, beneficiaries, and the general public.
  - e. Conducting compliance reviews of agency programs, vendors, vendor facilities, contractors, and contractor facilities.
  - f. Preparing compliance reports and, on request, statistical data reports regarding program participation for submission to OCR, USHHS.
  - g. Serving as liaison between the agency and OCR, USHHS.
  - h. Representing the agency to minority, disability, community, and other groups concerned with the delivery of human services.
  - i. Overseeing training and technical assistance to agency staff on Title VI, Section 504, and cultural awareness/sensitivity.
  - j. Maintaining essential records, files, including electronic files, relative to the civil rights programs of the agency.

***B. Supervisory and Management Personnel***

All supervisory and management personnel will be responsible for compliance with Title VI and Section 504 in their areas of responsibility, including periodic reviews and reports.

***C. All Personnel***

All personnel are responsible for performing their duties without regard to the beneficiary's race, color, national origin or disability.

**III. Cultural/Disability Awareness Training**

The agency shall take necessary steps, including periodic training, to ensure staff fully understand their responsibilities under Title VI, Section 504, and the implementing regulations.

The agency shall also ensure that staff who have contact with program beneficiaries are aware of ethnic, cultural and language differences, as well as physical, sensory, and mental impairments of persons with disabilities which may have an impact on the delivery of services.

**IV. Title VI and Section 504 Compliance by Other Participants**

The agency recognizes that its obligation for compliance extends to its service vendors, service contractors, and other providers of services and financial aid under programs funded by USHHS. The agency will provide OCR assurance of such compliance by:

- a. Providing vendors and other participants a clear written explanation of their responsibilities under Title VI, Section 504, and the implementing regulations;
- b. Executing a written assurance with vendors and other participants as to compliance with Title VI, Section 504, and the implementing regulations; and
- c. Conducting periodic compliance reviews of vendors and other participants.

**V. Dissemination of Information to Beneficiaries and the General Public**

The agency shall take steps to inform beneficiaries and the general public of the fact that services, financial aid, and benefits are provided on a nondiscriminatory basis.

Beneficiaries, or potential beneficiaries, shall be informed of their rights to file a complaint if they believe they have been discriminated against on the basis of race, color, national origin, or disability.

The dissemination of information shall be accomplished by:

- a. Including the agency's nondiscrimination policy in brochures, pamphlets and communications which are designed to acquaint beneficiaries, potential beneficiaries, and members of the general public with the agency's programs and services.
- b. Communicating information in a language other than English as required by federal regulation.
- c. Notifying customary referral sources of the agency that services and benefits are provided in a nondiscriminatory manner.
- d. Displaying posters indicating the agency's nondiscriminatory policies. These posters shall be displayed in prominent places in the agency's offices.

**VI. Complaint Policies and Procedures**

The agency shall establish complaint policies and procedures for beneficiaries, or potential beneficiaries, which provide that:

- a. Any person, or any specific class of persons, who believes s/he has been subjected to discrimination because of race, color, national origin, or physical or mental disability may personally, or through a representative, file a written complaint with the agency.
- b. The time period for filing the complaint shall be no less than 180 calendar days from the date of the alleged discriminatory act(s).
- c. The responsible agency official may extend the time for filing a discrimination complaint.
- d. The responsible agency official shall direct and oversee a prompt and thorough investigation of the allegations in the complaint.
- e. Upon completion of the investigation, the responsible agency official shall, based on the findings of the investigation, determine whether or not there is reasonable cause to believe discrimination occurred.

- f. If the responsible agency official determines there is reasonable cause to believe discrimination occurred, the agency will take all necessary action(s) to correct the alleged discriminatory practice(s).
- g. The complainant will be advised, in a timely fashion, of the findings of the agency regarding the complaint, as well as of his/her rights to appeal the determination to the Office for Civil Rights, USHHS, if not satisfied with the agency's decision.
- h. Records will be maintained which show the nature of the complaint, the details of the investigation, and the action(s) taken by the agency.
- i. The CEO for the agency will be informed of the complaint by copy of the appropriate complaint correspondence or other appropriate means.
- j. No person who has filed a complaint, testified, assisted, or participated in any manner in the investigation of a complaint, shall be intimidated, threatened, coerced, or discriminated against in retaliation for such participation.

## **VII. Written Non-Discrimination Policy**

The agency shall have a written non-discrimination policy which effectively communicates that services, financial assistance, and other benefits of its programs are provided in a manner which does not discriminate on the basis of race, color, national origin, or disability.

## **VIII. Recruitment and Employment Practices**

### *In reference to Title VI of the Civil Rights Act of 1964*

Where the primary objective of the federal financial assistance is to provide employment, the agency will develop policies and procedures assuring all recruitment and employment practices for positions provided through such federal financial assistance do not discriminate on the basis of race, color, or national origin.

*Where the primary objective of the federal financial assistance is not to provide employment, the agency will ensure that its employment practices do not have the effect of discrimination on the basis of race, color, or national origin, in the delivery of services and benefits provided by its programs.*

### *In reference to Section 504 of the Rehabilitation Act of 1973*

The agency shall ensure that its recruitment and employment practices do not discriminate, or have a discriminatory effect, on the basis of mental or physical disability, regardless of the primary objective of the federal financial assistance provided.

***Under Both Title VI and Section 504:***

The agency shall ensure that training and educational leave/opportunities are provided to all employees in a manner which does not violate either Title VI or Section 504.

**IX. Planning, Advisory, and Policy Boards and Committees**

The agency shall provide assurance that its planning, advisory, and policy boards or committees are open to all persons on a nondiscriminatory manner, and that all persons are provided an equal opportunity to participate regardless of race, color, national origin, or disability.

**X. Continuing Compliance**

The agency shall have procedures for monitoring all aspects of its operations to assure no policy or practice is, or has the effect of, discriminating against beneficiaries or other participants on the basis of race, color, national origin, or disability.

The monitoring procedures of the agency shall include, but shall not be limited to:

- a. Location of offices and facilities, in accordance with federal requirements and state law. Where there is a conflict between federal requirements and state law, federal requirements will govern;
- b. Manner of assignment of applicants, clients, beneficiaries, to staff;
- c. Dissemination of program information;
- d. Criteria for acceptance into the agency's programs;
- e. Referral of clients, or potential clients, to other agencies or facilities;
- f. Application/employment tests and testing procedures;
- g. Utilization of vendors, volunteers, consultants, and other service providers;
- h. Applications for assistance and provision of services;
- i. Records;
- j. Representation of minorities and persons with disabilities on advisory, policy, and planning boards and committees.

**XI. Corrective Requirements**

The agency shall take prompt and appropriate action to ensure that the agency complies with federal non-discrimination laws.

**XII. Compliance Records**

The agency shall collect, review, analyze, and maintain data reflecting the racial, ethnic, and disability profiles of participants in the agency's programs. Whenever possible, such data shall also

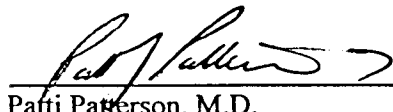
include the number of limited-English-proficiency persons served. The agency shall require such data and information from program vendors and providers.

The agency shall, upon request, make available to OCR, USHHS, all data and information necessary to show compliance with Title VI and Section 504 and its respective implementing regulations.

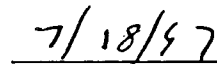
**XII. Amendments or Modifications to the Above**

These Methods of Administration may be amended or modified by the agency as needed to promote continuing compliance with Title VI and Section 504.

**Texas Department of Health**



Patti Patterson, M.D.  
Interim Commissioner



Date